

REMARKS1. Applicants' Amendments

Applicants appreciate the Examiner's recognition of allowable subject matter in claims 8, 26, 34, and 47. Claims 7, 45, 80, 103, 115, 120-121, 123-124 and 126-129 are cancelled.

Independent claims 1, 21, 37, 67, 95 and 108 are amended to add the limitation that each leg in the loop containing sections changes its orientation upon stent expansion. No new matter has been added. Support for this amendment is found throughout the specification and drawings, especially at page 12, lines 19-24. Reconsideration of this application, as amended is respectfully requested.

2. §102 Rejection of Claims over Berry

Claims 1-7, 9-10, 20-25, 27-32, 37-46, 48-50, 67-70, 72-75, 77-84, 86-88, 90-91, 95-105, and 108-119 have been rejected under 35 U.S.C. §102 as being anticipated by Berry (US 6, 231,598). Applicants respectfully disagree with this rejection.

Berry does not teach or suggest a short leg that changes its orientation upon stent expansion. The short leg or shorter member identified by the examiner in the present office action can not change its orientation during expansion from being parallel with the circumferential axis of the stent. Applicants claim that each leg in the loop containing sections changes its orientation upon expansion.

Applicants respectfully request favorable reconsideration of the claims in view of the instant amendment. Withdrawal of the §102 rejection is respectfully requested.

3. §103 Rejection of Claims in view of Berry and Official Notice

Claims 11, 71, 82, 85, 89, 92, 120-129 are rejected under 35 U.S.C. §103 as being unpatentable over Berry in view of Official Notice. It is the Examiner's opinion that the instant stent is an obvious matter of design choice in view of Berry which would be recognized as being within the level of ordinary skill in the art. Applicants respectfully disagree with this rejection.

Applicants repeat their remarks as discussed above, and reiterate that the claimed features are not an obvious matter of design choice.

Berry does not teach or suggest the claimed invention. In fact, Berry teaches away from applicants' invention by disclosing a shorter leg or member that has a fixed orientation even during expansion of the stent. The shorter leg or member is fixed by the supporting longitudinal struts in Berry.

Applicants, on the other hand, claim that each leg in the loop containing sections changes its orientation during expansion. Since Berry does not teach or suggest this concept, but in fact teaches away from it, reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

Based on the foregoing amendment and remarks, applicants respectfully submit that the claims as currently presented are patentable and in condition for allowance.

If any issues remain, or if the Examiner has any suggestions for expediting allowance of this application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Favorable consideration is respectfully requested.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees that may be required for this amendment, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4303-4003US1. **A DUPLICATE OF THIS DOCUMENT IS ATTACHED.**

Respectfully submitted,

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Dated: November 13, 2003

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